IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.7617 of 2006

D.K.Deshpande Petitioner.
Vs
The State of Maharashtra & ors ... Respondents

Mr. V.A.Gangal for the petitioner
Mr. V.M.Malvankar AGP for respondent No.1.
Mr C.J.Sawant, Senior Advocate with Mr S.V.Sadavarte
for respondent No. 2 .
Mr. V.D.Patil for respondent No. 3

CORAM: H.S. BEDI, C.J. , &
V.M.KANADE, J.

DATE: 13th December, 2006.

P.C.:-

We have heard the learned counsel for the parties and have gone through the record. The order of the tribunal Exhibit N dated 17th October 2006 has been impugned in this petition. Respondent No. 2 (applicant before the tribunal) – Sadanand Januji Koche had challenged the seniority granted to the petitioner before us before the tribunal. This application was allowed and the impugned order dated 9th December 2005 was quashed on the ground that it was without notice to the applicant and as such the rules of natural justice had been violated. That being so, in our opinion, the matter will have to be remitted for a fresh decision by the Government on the

question of seniority inter-se the parties. We accordingly direct the Government to re-examine and determine the seniority between Shri S.J.Koche, Shri D.K.Deshpande and Shri N.K.Hikare and take a final decision, if possible before the committee recommends the names for the IAS cadre. We make it clear that if such names have already been finalised and forwarded to the Government, this order would not be read to mean a re-opening of the entire process.

An authenticated copy of this order be supplied to the parties forthwith.

Petition stands disposed of in the above terms.

CHIEF JUSTICE.

V.M.KANADE, J.